



#### EXTRAORDINARY.

भाग II--खण्ड 2 PART II--Section 2 प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके। Separate paging is given to this Part in order that it may be filed as a separate compilation.

# RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on 4th August,

BILL NO. XVI OF 1998

A Bill further to amend the Merchant Shipping Act, 1958.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Merchant Shipping (Second Amendment) Act, 1998.

Short title and commencement.

- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
- 2. For section 76 of the Merchant Shipping Act, 1958 (hereinafter referred to as the principal Act), the following section shall be substituted, namely:—

"76. (1) Every Indian ship when going to sea from any port or place shall be provided with officers duly certificated under this Act according to such manning scale as may be prescribed:

Substitution of new section for section 76

Certificate of competency to be held by officers of ships.

44 of 1958.

Provided that the Central Government may prescribe different manning scales for different types of ships keeping in view the operational and other requirements.

(2) Every ship, whether at sea or in any port or place, shall engage such number of persons and with such qualifications as may be prescribed for maintaining watches.

Amendment of section 95.

- 3. In section 95 of the principal Act,-
  - (a) in sub-section (1),—
    - (i) clause (a) shall be omitted;
    - (ii) for clause (b), the following clause shall be substituted, namely:—
    - "(b) to maintain registers of seamen in respect of such categories of seamen as may be prescribed from time to time;";
  - (b) sub-section (2) shall be omitted.

## STATEMENT OF OBJECTS AND REASONS

The main objective of the Merchant Shipping Act, 1958 is to ensure development and efficient maintenance of the Indian Mercantile Marine in a befitting manner in the interest of the nation. The Act has been amended from time to time in the light of experience gained in its implementation and also to give effect to various provisions of international conventions or protocols ratified by India.

- 2. Section 76 of the Merchant Competency to be held by officers on board on ships and the number of officers to be provided on ships. It does not distinguish between different kinds of vessels or even between coastal and foreign-going vessels so far as manning scales are concerned. Even small ships operating in coastal waters are required to have certificated officers on the scale specified for foreign-going vessels. This not only casts additional financial burden on coastal ship owners but sometimes causes difficulty in complying with the existing provisions. Coastal vessels do not require the same level of manning as is required for foreign-going vessels. The Bill proposes to amend section 76 so that, instead of specifying the manning scales for different kinds of ships in the Act itself, these may be notified by the Central Government, from time to time, keeping in view operational and other requirements.
- 3. Section 95 of the Merchant Shipping Act, 1958 provides for seamen's employment office which regulates supply of different categories of seamen for various classes of ships on the basis of roster system. This system has discouraged employment of young-trained manpower by Indian and foreign ship owners. In order to facilitate increased employment of Indian seafarers particularly on board foreign flag vessels so as to realise vast potential of the country in this regard and to augment valuable foreign exchange earnings, the Government seeks encourage private sector participation in training and placement of merchant navy seamen. It is, therefore, necessary to minimise Government controls which have been perceived by foreign ship owners as a major obstacle in employment of Indian seafarers on their ships. Accordingly, the Bill proposes to amend section 95 relating to seamen's employment office so as to allow both Indian and foreign ship owners to employ merchant navy crew members without going to the seamen's employment office.
  - 4. The Bill seeks to achieve the above objects.

New Delhi; The 24th July, 1998. M. THAMBI DURAI.

### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill empowers the Central Government to prescribe by rules the manning of Indian ships by duly certificated officers. It is also provided to empower that Government to prescribe different manning scales for different types of ships keeping in view the operational and other requirements. It is also, proposed to prescribe by rules the qualifications to be possessed by persons who will maintain watch on ships at sea.

- 2. Clause 3 of the Bill empowers the Central Government to prescribe by rules the categories of seamen for whom registers are to be maintained by the seamen's employment office.
- 3. The matter in respect of which rules are to be made are generally matters of procedure and administrative detail and it is not practicable to provide for them in the Bill itself. The delegation of legistive power is, therefore, normal in character.

R. C. TRIPATHI, Secretary-General.